IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl. Rev. Pet.No. 511 of 2007(E)
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MP.6108/2005 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
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REVN. PETITIONER:
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S.N. PRAJAPATHI, PROPRIETOR, M/S. BOOMI ELECTRONICS, 39/4950 A, RASHEED TOWERS, ELECTRONICS STREET, PALLIMUKKU, ERNAKULAM KOCHI - 16

BY ADV. SRI.A.BALAGOPALAN
SRI.A.RAJAGOPALAN
SRI.R.RAJESH
SRI.IMTHIYAZ AHAMMED
SRI.K.SANEESH KUMAR

RESPONDENTS:
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1. DHANYA T.S., WIFE OF O.P SANU, ONAMPARAMBIL HOUSE, AZHEEKKAL, MURUKKUMPADAM, VYPEEN, ERNAKULAM

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR
SRI.S.SAJU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R. UDAYABHANU, J**

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**CRL. R.P. NO. 511 OF 2007**

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**Dated this the 19th day of February 2007**

**O R D E R**

The revision petitioner is the complainant who had initiated proceedings under section 138 of the Negotiable Instruments Act which stands dismissed as he happened to be absent on the posting date. It is submitted that the counsel was engaged in another matter in the Subordinate Judges Court and had entrusted the matter to make the required representation with one of his colleagues, who omitted to make the representation.

2. In the circumstances, the order of the court below is set aside. The Chief Judicial Magistrate, Ernakulam is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before Chief Judicial Magistrate, Ernakulam on 14.03.2007.

The Crl. R.P is allowed accordingly.

**K.R. UDAYABHANU, JUDGE.**

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